Public Law 681 CHAPTER 1032

August 28, 1954
[H. R. 6127]

AN ACT

To amend the Act entitled "An Act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906, as amended, and for other purposes.

D. C. insanitary buildings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes", approved May 1, 1906 (34 Stat. 157; title 5, ch. 6, D. C. Code, 1951 edition), as amended, is amended to read as follows:

Investigation.

"That the Commissioners of the District of Columbia are authorized to examine into the sanitary condition of all buildings in said District, to condemn those buildings which are in such insanitary condition as to endanger the health or lives of the occupants thereof or persons living in the vicinity, and to cause all buildings to be put into sanitary condition or to be demolished and removed, as may be required by the provisions of this Act. The Commissioners may authorize and direct the performance of the duties imposed on them by this Act by such officers, agents, employees, contractors, employees of contractors, and other persons as may be designated, detailed, employed, or appointed by the said Commissioners to carry out the purposes of this Act. The Commissioners or their designated agent or agents are authorized to investigate, through personal inquiry and inspection, into the sanitary condition of any building or part of a building in said District, except such as are under the exclusive jurisdiction of the United States. The Commissioners, and all persons acting under their authority and the authority contained in this Act, may, between the hours of 8 o'clock antemeridian and 5 o'clock postmeridian, peaceably enter into and upon any and all lands and buildings in said District for the purpose of inspecting the same.

"SEC. 2. (a) The Commissioners are directed to appoint or designate two separate boards, each to consist of not less than three members, to perform the duties and functions required by this Act, as follows:

Board for the condemnation of insanitary buildings.

"(1) A Board for the Condemnation of Insanitary Buildings to examine into the sanitary condition of buildings in the District of Columbia, to determine which such buildings are in such insanitary condition as to endanger the lives or health of the occupants thereof or of persons living in the vicinity, and to issue appropriate orders of condemnation requiring the correction of such condition or conditions or to require the demolition of any building, in accordance with the provisions of this Act.

Condemnation Review Board.

"(2) A Condemnation Review Board, no member of which shall act as a member of the Board for the Condemnation of Insanitary Buildings, to review, upon written request, any order of condemnation issued by the Board for the Condemnation of Insanitary Buildings, and to affirm, modify, or vacate such order of condemnation if the Condemnation Review Board shall find that the sanitary condition of the building under examination requires the affirmation, modification, or vacation of such order of condemnation. The Condemnation Review Board shall consist of at least three members and an alternate member for each of said members, at least two-thirds of such members and at least two-thirds of such alternate members to be residents of the District of Columbia and to be selected from among the persons designated under subsection (c) of this section, and not more than one-third of such members and one-third of such alternate members may be employed by the government of the District of Columbia.

Quorum.

"(b) A majority of the members of each of the boards established

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by subsection (a) of this section shall constitute a quorum, and a majority vote of the members present shall be required in connection with any act of either of the said boards. No person shall act as a member of either of the said boards who has any property interest, direct or indirect, in his own right or through relatives or kin, in the building the sanitary condition of which is under consideration.

Requirement for membership.

"(c) The Commissioners shall designate a number of real property owning residents of the District of Columbia, not employed by the government of the District of Columbia or the Government of the United States, each of whom from time to time shall be designated by the Commissioners to act as a member or an alternate member of the Condemnation Review Board established under the authority of subsection (a) of this section. Each such person shall be entitled to a fee of $25 for each day he is actually engaged in discharging his duties as a member of said Board, or as an alternate member acting in the place of a member.

Pay.

"(d) The several provisions of sections 1, 2, and 3 of the Act approved April 16, 1932 (47 Stat. 86; secs. 4–601 to 4–603, D. C. Code, 1951 edition), shall be applicable to and enforceable in any proceeding conducted under the authority of this Act. Each person acting as a member of either of the boards required to be established by this section, and each alternate member when acting in the stead of the member for whom he is alternate, is hereby authorized to administer oaths to witnesses summoned in any proceeding conducted by either of the said boards. Any fee which may be paid any witness summoned to appear before either of the said boards shall be assessed as a tax against the property the condition of which is under investigation, such tax to be collected in the same manner as general taxes are collected in the District of Columbia: *Provided*, That whenever any order of condemnation is vacated or set aside, either by the Condemnation Review Board or by a court, the witness fee authorized by this subsection to be assessed against the property affected by such order of condemnation shall not be so assessed, but shall be paid by the Government of the District of Columbia.

Condemnation procedure.

"SEC. 3. Whenever the Board for the Condemnation of Insanitary Buildings shall find that any building or part of building is in such insanitary condition as to endanger the health or lives of the occupants thereof or persons living in the vicinity, the owner of such building shall be served with a notice requiring him to show cause, within a time to be specified in such notice, why such building or part of building should not be condemned. The time to be fixed in such notice shall not be less than ten days, exclusive of Sundays and legal holidays, after the date of service of said notice, unless the Board shall find that the insanitary condition of such building or part of building is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity, in which case a lesser time may be specified in said notice. If within the time to show cause fixed by the Board, the owner shall fail to show cause sufficient in the opinion of the Board to prevent the condemnation of such building or part of building, the Board shall issue an order condemning such building or part of building and ordering the same to be put into sanitary condition or to be demolished and removed within a time to be specified in said order of condemnation, and shall cause a copy of such order to be served on the owner and a copy to be affixed to the building or part of building condemned. The Board shall give the owner reasonable time within which to put the building in sanitary condition, but such time shall be not less than six months after the date of service of said order on said owner, unless the Board shall find that the condition of said premises is such as to cause immediate

Order.

danger to the health or lives of the occupants thereof or of persons living in the vicinity, in which event the Board may fix a lesser time. From and after fifteen days, exclusive of Sundays or legal holidays, or within such additional time as may be fixed by the Board, after a copy of any order of condemnation has been affixed to any condemned building or part of building, no person shall occupy such building or part of building.

Occupancy after condemnation.

"SEC. 4. No person having authority to prevent shall permit any building or part of building condemned to be occupied, except as specially authorized by the Board for the Condemnation of Insanitary Buildings under the authority contained in this Act, after fifteen days, exclusive of Sundays and legal holidays, or within such additional time as may be fixed by the Board, from and after the date of service of a copy of the order of condemnation on the owner of such building; or, if a copy of such order of condemnation has been affixed to the condemned building or part of building at a date subsequent to the date of service of the notice on the owner, after fifteen days, exclusive of Sundays and legal holidays, or within such additional time as may be fixed by the Board, from the date on which said copy of such order of condemnation was so affixed.

Repairs or demolition.

"SEC. 5. The owner of any building or part of building condemned under the provisions of this Act shall, within the time specified by the Board for the Condemnation of Insanitary Buildings in the order of condemnation, or any extension of time which may be granted by the Board, (1) make such changes or repairs as will remedy the conditions which led to the condemnation of such building or part of building, or (2) cause such building or part of building to be demolished and removed: *Provided*, That any owner repairing a building or part of building in accordance with the provisions of this Act shall be required to make only those repairs which are reasonably related to a correction of the insanitary condition or conditions found by said Board to exist in or about said building, and nothing in this Act shall be construed as authorizing the Board to require any repair not reasonably related to the correction of any insanitary condition in or about such building, or to require such building to be brought fully into conformity with the District of Columbia Building Code or other building regulations in effect at the time such repairs are made. Whenever any building is repaired or demolished in accordance with the requirements of this section, such repair or demolition shall be performed in such manner and under the authority of such permit as may be required by any applicable law or regulation.

Cancellation of condemnation order.

"SEC. 6. If the owner of any building or part of building condemned under the provisions of this Act shall make such changes or repairs as will remedy in a manner satisfactory to the Board for the Condemnation of Insanitary Buildings the conditions which led to the condemnation of such building or part of building, the order of condemnation shall be canceled and the building may again be occupied. If the owner cannot make such changes or repairs within the period within which the owner may lawfully permit such building or part of building to be occupied under section 4 of this Act, but proceeds with such changes or repairs with reasonable diligence during such period, said Board may, by special order, extend from time to time the period within which the occupants of said building or part of building may remain therein, and within which the owner of such building may permit the said occupants so to remain.

Violation of order.

"SEC. 7. If the owner of any building or part of building condemned under the provisions of this Act shall fail to remedy in a manner satisfactory to the Board for the Condemnation of Insanitary Buildings the condition or conditions which led to the condemnation thereof,

by failing to cause such building or part of building to be put into sanitary condition or to be demolished and removed within the time specified by said Board in the order of condemnation or any extension thereof, he shall be deemed guilty of a misdemeanor and be liable to the penalties provided by section 16 of this Act, and such building or part of building may be put into sanitary condition or be demolished and removed under the direction of said Board, and the cost of such repairs or such demolition and removal, including the cost of making good damage to adjoining premises (except such as may have resulted from carelessness or willful recklessness in the demolition or removal of such building), and the cost of publication, if any, herein provided for, less the amount, if any, received from the sale of the old material, shall be assessed by the Commissioners of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected in the same manner as general taxes are collected in the District of Columbia: *Provided*, That the pendency of any review or appeal provided for by sections 13 and 14 of this Act shall stay the operation of any order issued by said Board, unless said Board shall find that the condition of said premises is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity.

Property in litigation.

"SEC. 8. Whenever the Board for the Condemnation of Insanitary Buildings is in doubt as to the ownership of any building or part of a building, the condemnation of which is contemplated, because the title thereto is in litigation, said Board may notify all parties to the suit and may report the circumstances to the Commissioners of the District of Columbia, who may bring such circumstances to the attention of the court in which such litigation is pending for the purpose of securing such order or decree as will enable said Board to continue such condemnation proceedings, and such court is hereby authorized to make such decrees and orders in such pending suit as may be necessary for that purpose.

Appointment of guardian for minors, etc.

"SEC. 9. Whenever the title to any building or part of building is vested in a person non compos mentis, or a minor child or minor children without legal guardian, the Board for the Condemnation of Insanitary Buildings shall report that fact to the Commissioners of the District of Columbia, who shall take due legal steps to secure the appointment of a guardian or guardians for such person non compos mentis, or minor child or children aforesaid, for the purpose of the condemnation proceedings authorized by this Act, and any judge of the United States District Court for the District of Columbia is hereby authorized to appoint a guardian or guardians for such purpose.

Service of notice.

"SEC. 10. Any notice required by this Act to be served shall be deemed to have been served if delivered to the person to be notified, or if left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein; or if no such residence or place of business can be found in the District of Columbia by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or if no such office can be found in said District by reasonable search, if forwarded by registered mail to the last known address of the person to be notified and not returned by the post office authorities; or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post office authorities, if published on three consecutive days in a daily newspaper published

in the District of Columbia; or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notice to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

Interference. Prohibition.

"SEC. 11. No person shall interfere with the Commissioners or with any person acting under authority and by direction of said Commissioners in the discharge of his lawful duties, nor hinder, prevent, or refuse to permit any lawful inspection or the performance of any work authorized by this Act to be done by or by authority and direction of said Commissioners.

Destruction of affixed notice. Prohibition.

"SEC. 12. No person shall, without the consent of the Board for the Condemnation of Insanitary Buildings, deface, obliterate, remove, or conceal any copy of any order of condemnation which has been affixed to any building or part of building by order of the said Board; and the owner and the person having custody of any building or part of building to which a copy or copies of any such order has been affixed shall, if said copy of said order has been to his knowledge defaced, obliterated, or removed, forthwith report that fact in writing to the Board (unless he has good reason to believe that such copy of such an order has been removed by authority of the Board), and if such copy of such order has been concealed, he shall forthwith expose the same to view.

Review of order.

"SEC. 13. Any owner of property affected by an order of condemnation issued under the authority contained in this Act shall be entitled to a review of such order by the Condemnation Review Board established by the Commissioners in accordance with the provisions of section 2 of this Act, upon making application to said Condemnation Review Board, in writing, within fifteen days from the date on which such owner has been served notice of such order of condemnation, and upon payment of a fee of $25. The said Condemnation Review Board shall be authorized by the Commissioners to affirm, modify, or vacate any order of condemnation issued under the authority contained in this Act.

Appeal.

"SEC. 14. The owner of any building or part of building condemned under the provisions of this Act may, within fifteen days from the date on which such owner receives notice that such order of condemnation has been reviewed by the Condemnation Review Board established in accordance with section 2 of this Act and has been affirmed or modified by such Board, appeal to the Municipal Court for the District of Columbia for the modification or vacation of said order of condemnation. The municipal court shall give precedence to any such case, shall hear the testimony adduced therein, shall view the building or part of building affected by said order of condemnation, and thereafter shall affirm, modify, or vacate said order. In any proceeding instituted in accordance with the provisions of this subsection, such proceeding shall be conducted by the judge only, and nothing herein contained shall be construed as authorizing or entitling the owner of property affected by such order of condemnation to a trial by jury.

"SEC. 15. Whenever any insanitary condition which has led to the condemnation of a building or part of building has been caused in any part by the action or by the neglect of the tenant or tenants, occupant or occupants thereof, such tenant, tenants, occupant, or occupants shall be guilty of a misdemeanor and be liable to the penalties provided in section 16 of this Act. Violation.

"SEC. 16. Any person violating or aiding or abetting in violating sections 3, 4, 5, 7, 11, 12, or 15 of this Act shall, upon conviction thereof in the Municipal Court for the District of Columbia, upon information filed in the name of said District, be punished by a fine of not more than $100 or by imprisonment for not more than ninety days; and each day on which such unlawful act is done or during which such unlawful negligence continues shall constitute a separate and distinct offense. Penalty.

"SEC. 17. Except as herein otherwise authorized all expenses incident to the enforcement of this Act shall be paid from appropriations made from time to time for that purpose in like manner as other appropriations for the expenses of the District of Columbia. Expenses.

"SEC. 18. (a) For the purposes of this Act, the term 'Commissioners' shall mean the Commissioners of the District of Columbia or their designated agent or agents; and the term 'owner' shall mean (1) any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of the property found by the Commissioners to be in an insanitary condition; (2) the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or (3) a trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan. Definitions.

"(b) Wherever under this Act any act is to be performed by, or any notice is to be given, an owner, such act may be performed by an agent of such owner, or such notice may be given to an agent of such owner who collects rent or otherwise acts as an agent for the owner in connection with said property. Owner's agent.

"SEC. 19. (a) All suits and proceedings instituted by or against the Board for the Condemnation of Insanitary Buildings in the District of Columbia created by the first section of the Act approved May 1, 1906, supra, or the Board for the Condemnation of Insanitary Buildings established by the Commissioners under the authority of Reorganization Plan Numbered 5 of 1952, prior to the effective date of this amendatory Act, shall be deemed to have been taken by, or instituted by or against, the Commissioners of the District of Columbia. Saving clause. 66 Stat. 824. D. C. Code 1-app.

"(b) With respect to any building or part of building condemned by either of the Boards aforesaid prior to the effective date of this amendatory Act, and which building or part of building stands condemned as of the effective date of this amendatory Act, the six-month period provided by section 3 of this amendatory Act shall commence running from the effective date of this amendatory Act. Time limits.

"(c) Wherever any provision of this Act refers to any order of the Board for the Condemnation of Insanitary Buildings, such provision shall mean the order of such Board, or, if such order be reviewed by the Condemnation Review Board, as such order has been affirmed or modified by the latter Board; and wherever this Act establishes any time limit within which there shall be compliance with an order of the Board for the Condemnation of Insanitary Buildings, such time limit shall begin running from the date on which the owner of the property affected by said order is served with notice thereof, or, if such order be reviewed by the Condemnation Review Board,

from the date on which the owner of such property receives notice that such order has been affirmed or modified by the latter Board.

Effective date.

"SEC. 20. This Act shall take effect thirty days after its approval."

Approved August 28, 1954.

Public Law 682 CHAPTER 1033

August 28, 1954
[H. R. 1975]

AN ACT

To amend section 2201 of title 28, United States Code, to extend the Federal Declaratory Judgments Act to the Territory of Alaska.

Alaska.
Federal Declaratory Judgments Act.
62 Stat. 964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2201 of title 28, United States Code, is amended by inserting after the words "any court in the United States" the words "and the District Court for the Territory of Alaska", so that the sentence will read as follows:

"§ 2201. Creation of remedy

"In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States and the District Court for the Territory of Alaska, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought."

Approved August 28, 1954.

Public Law 683 CHAPTER 1034

August 28, 1954
[H. R. 4721]

AN ACT

To provide that the excess-land provisions of the Federal reclamation laws shall not apply to lands in the Owl Creek unit of the Missouri Basin project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the excess-land provisions of the Federal reclamation laws shall not apply to lands in the Owl Creek unit of the Missouri Basin project, authorized in section 9 (a) of Public Law 534, Seventy-eighth Congress, approved December 22, 1944 (58 Stat. 887).

43 USC 423e.

58 Stat. 891.

Approved August 28, 1954.

Public Law 684 CHAPTER 1035

August 28, 1954
[H. R. 5718]

AN ACT

To limit the period for collection by the United States of compensation received by officers and employees in violation of the dual compensation laws.

Federal employees.
Dual compensation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby waives all claims against any person arising out of the receipt by such person of compensation from the United States including Government owned or controlled corporations or from the government of the District of Columbia in violation of any provision of law prohibiting or restricting the receipt of dual compensation, which has not been reported to the General Accounting Office for collection within six years from the last date of any period of dual compensation.

Approved August 28, 1954.